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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,018

Applicant(s)

MOREL, JEAN LOUIS

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. There are only one horizontal 44 and vertical 43 struts. Therefore, the two horizontal struts must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 1 and 8, the phrases "may be and for example" render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. With regards to claim 1, the cited limitation "on at least three sides of the panels and by a fourth strut either set back from the edge to make a groove similar to the one on the other sides, or extending from it so as to make a post, and so that this case may be filled with an insulating material..." and similar to other claims are confusing because

the claimed limitations (1-11) are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

6. Claim 5 recites the limitation "the plant" in line 2. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 9 recites the limitation "has the door" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

8. Claim 10 is objected to because of the following informalities: applicant is advised to remove the bracket in the clean version of the claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. As best understood, claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht (US 5,848,508) in view of Sagstetter (US 5,372,678) and Ojala (US 5,953,883).

Albrecht teaches core for a patio enclosure wall comprising two rectangular plates 20, 22 maintained separated by horizontal and vertical struts 30 placed on at least three sides of the plates 20, 22, an exterior groove in between two panel plates 20, 22 and

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struts 30, insulating material 24, crosspieces or ties 14 keep the panels in place for forming a wall.

Albrecht does not teach specifically the material for panel plates are made of hydrosilicate and conifer cellulose base with a specific mass equal to or less than 350kg/m³, rectangular posts, and the panel plates having dimensions relative to window and doorframes. Sagstetter teaches manufacture of calcium hydrosilicate bound fiber board which including cellulose fibers in an amount of the mixing ingredient (see abstract), and Ojala teaches insulated wall panel to be installed and forming a wall comprising posts or studs 28, windows, door frames (figs. 1-3). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Albrecht with Sagstetter for the panel plates made from hydrosilicate bound fiber and cellulose base and with Ojala for the rectangular posts with dimensions related to the door and window frames. The motivation for doing so would have been to provide more lightweights for the building walls and accurately fit and engage between frames struts, and panels thus minimizing the labor costs.

Albrecht, Sagstetter, and Ojala teach the structural elements for the insulated panel plates except for the specific mass of 350kg/m³, height 0.7-3.5m, and the panels having for width $\frac{3}{4}$ -1/4 of the dimension of the base panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the specific mass for the insulated panel made of hydrosilicate with glucose base and the height of 0.7-3.5m, and the panels having width $\frac{3}{4}$ -1/4 of the dimension of the base panel, since it has been held that where the general conditions of a claim are disclosed in the prior art,

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discovering the optimum or working ranges involves only routine skill in the art. The motivation for doing so would have been to provide the panels more lightweights and could be easily constructed with minimum installers.

With regards to claims 10 and 11, Albrecht, Sagstetter, and Ojala teach the structural elements for the insulated panel plates except for the method of installation as claimed by the applicant, examiner considers this to be the obvious method of setting up applicant's device because in forming an insulated wall, one must obviously erecting, positioning the posts or frames, installing insulated panel plates onto the posts, placing the cross pieces along the panel grooves. Albrecht, Sagstetter and Ojala would be easily motivated to follow these steps to facilitate assembly to make a complete insulating wall.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henley (US 4,852,310), Weinrott (US 3,462,897), Rose (US 3,113,401), Morgan (US 3,512,819), Taraba (US 5,701,708), Menchetti (US 6,412,247), Ueki (US 6,438,916), Lin (US 6,247,281), Ford (US 5,638,651) teach insulated wall panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Can
7/24/03


Carl D. Friedman
Supervisory Patent Examiner
Group 3600